

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

JOHNATHAN GILMORE

Plaintiff,

v.

CASE NO.: 21-cv-
HON:

CITY OF ROMULUS, GOFF RICE, CAMERON TIMM,
and ERIC SMITH, in their individual and official capacities,

Defendants.

CHRISTOPHER TRAINOR & ASSOCIATES CHRISTOPHER J. TRAINOR (P42449) AMY J. DEROUIN (P70514) Attorneys for Plaintiffs 9750 Highland Road White Lake, MI 48386 (248) 886-8650 Amy.derouin@cjtrainor.com Shanna.suver@cjtrainor.com	
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THERE IS NO OTHER PENDING OR RESOLVED CIVIL ACTION ARISING
OUT OF THE TRANSACTION OR OCCURRENCE ALLEGED IN THE
COMPLAINT

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, **JOHNATHAN GILMORE**, by and through her
attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and for his Complaint
against the above-named Defendants states as follows:

1. Plaintiff JOHNATHAN GILMORE is a resident of the City of Ferndale, County of Oakland, State of Michigan.
2. That Defendant **CITY OF ROMULUS** is a municipal corporation and governmental subdivision which is organized and existing under the laws of the State of Michigan.
3. That Defendant **GOFF RICE** is and/or was a police officer employed by the Romulus Police Department and was acting under color of law, in his individual and official capacity, and within the course and scope of his employment at all times mentioned herein.
4. That Defendant **ERIC SMITH** is and/or was a police officer employed by the Romulus Police Department and was acting under color of law, in his individual and official capacity, and within the course and scope of his employment at all times mentioned herein.
5. That Defendant **CAMERON TIMM** is and/or was a police officer employed by the Romulus Police Department and was acting under color of law, in his individual and official capacity, and within the course and scope of his employment at all times mentioned herein.
6. All relevant events giving rise to this lawsuit occurred in the County of Wayne, State of Michigan.

7. That this lawsuit arises out of Defendants' violations of Plaintiff's federal constitutional rights as secured by the Fourth Amendment as it applies to the States through the Fourteenth Amendment to the United States Constitution and consequently, Plaintiff has a viable claim for damages under 42 U.S.C. § 1983.
8. Jurisdiction is vested in this Court pursuant to 28 U.S.C. § 1331 [federal question], and 28 U.S.C. § 1343 [civil rights].
9. Defendants at all times acted under the color of state laws, statutes, ordinances, regulations, policies, customs, and usages of the State of Michigan and its political subdivisions, including the City of Romulus.
10. That the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) not including interest, costs, and attorney fees.

FACTS

11. Plaintiff realleges and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein.
12. On June 22, 2020, Plaintiff was residing in his apartment, located in the City of Romulus, County of Wayne, State of Michigan.
13. Defendants arrived at Plaintiff's apartment and began slamming on the door and yelling to get Plaintiff's to come to the door.
14. Defendants attempted to open the door to Plaintiff's apartments multiple times and even attempted to have Plaintiff's landlord unlock the door.

15. Plaintiff opened the door, keeping the security chain locked, speaking to Defendants through the door.
16. Plaintiff did not give Defendants permission to enter his residence and told Defendants that he did not want to speak with them.
17. Defendants claimed that they just wanted another individual's medication from Plaintiff's apartment and Plaintiff opened the door to hand the pills to Defendants.
18. Defendants immediately entered Plaintiff's apartment without any justification, grabbed Plaintiff and threw him to the ground.
19. Defendants proceeded to jump on Plaintiff, unnaturally bended his arms and strike him multiple times while he was on the ground.
20. That Defendants arrested Plaintiff for Assaulting/Resisting/Obstructing a police officer and Malicious Destruction of Police Property.
21. That all criminal charges against Plaintiff arising from this incident were dismissed.
22. As a result of Defendants' unreasonable and/or unlawful actions and/or inactions, Plaintiff suffered significant injuries and damages.

COUNT I
VIOLATIONS OF THE FOURTH AMENDMENT

23. Plaintiff realleges and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein.

24. At all relevant times herein, the individual Defendants acted under color of law, within the scope and course of their employment, and in their official and individual capacities.
25. Defendants violated Plaintiff's clearly established and federally protected rights as set forth under the United States Constitution and the Amendments thereto, including, but not limited to, the Fourth Amendment of the United States Constitution to be free from unreasonable searches and seizures.
26. The actions of Defendants were at all times objectively unreasonable in violation of Plaintiff's clearly established rights under the Fourth Amendment to the United States Constitution which proximately resulted in significant injuries to Plaintiff.
27. Defendants are not entitled to qualified immunity because they violated Plaintiff's clearly established Fourth Amendment rights.
28. As a proximate result of the violations and/or deprivations of Plaintiff's constitutional rights by Defendants, Plaintiff has a viable claim for compensatory and punitive damages pursuant to 42 U.S.C. § 1983 together with costs, interests, and attorney fees as set forth in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an award in his favor and against Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest, cost and attorney fees.

COUNT II
CITY OF ROMULUS CONSTITUTIONAL VIOLATIONS

29. Plaintiff realleges and incorporates by reference each and every paragraph of this Complaint as though fully set forth herein.

30. Defendant CITY OF ROMULUS acted recklessly and/or with deliberate indifference when they practiced and/or permitted customs and/or policies and/or practices that resulted in constitutional violations to Plaintiff.

31. That these customs and/or policies and/or practices including, but were not limited to, the following:

- a. Failing to adequately train and/or supervise their police officers so as to prevent violations of citizen's constitutional rights.
- b. Failing to adequately train and/or supervise police officers regarding reasonable searches and seizures;
- c. Failing to supervise, review, and/or discipline police officers whom Defendant CITY OF ROMULUS knew or should have known were violating or were prone to violate citizens' constitutional rights, thereby permitting and/or encouraging their police officers to engage in such conduct; and
- d. Failing to adequately train and/or supervise their police officers in the proper policies and procedures for conducting reasonable searches and seizures.

32. Defendants' conduct demonstrated a substantial lack of concern for whether an injury resulted.

33. Defendants' acts and/or indifference and/or omissions were the direct and proximate cause of Plaintiff's injuries.

34. The facts as set forth in the preceding paragraphs constitute a violation of Plaintiff's Fourth and/or Fourteenth Amendment rights pursuant to 42 U.S.C. § 1983, and Plaintiff has a viable claim for compensatory and punitive damages plus interest, costs, and attorney fees as set forth in 42 U.S.C. § 1988.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an award in his favor and against Defendants in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest, cost and attorney fees.

Respectfully Submitted,
CHRISTOPHER TRAINOR & ASSOCIATES

s/Christopher J. Trainor
CHRISTOPHER J. TRAINOR (P42449)
AMY J. DEROUIN (P70514)
Attorneys for Plaintiff
9750 Highland Road
White Lake, MI 48386
(248) 886-8650

Dated: December 7, 2021
CJT/tpk

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DEMAND FOR TRIAL BY JURY

NOW COMES Plaintiff, **JOHNATHAN GILMORE**, by and through her attorneys, CHRISTOPHER TRAINOR & ASSOCIATES, and hereby makes a demand for trial by jury in the above-entitled cause.

Respectfully Submitted,
CHRISTOPHER TRAINOR & ASSOCIATES

s/Christopher J. Trainor

CHRISTOPHER J. TRAINOR (P42449)

AMY J. DEROUIN (P70514)

Attorneys for Plaintiff

9750 Highland Road

White Lake, MI 48386

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